

Gerard R. Vetter  
Acting United States Trustee  
For Region 4  
1725 Duke Street, Suite 650  
Alexandria, VA 22314  
(703) 557-7229  
Jack Frankel, Attorney, VSB # 15019  
Email: [jack.i.frankel@usdoj.gov](mailto:jack.i.frankel@usdoj.gov)

**United States Bankruptcy Court  
Eastern District of Virginia  
Alexandria Division**

**In re:**

**Case No. 20-12583-KHK**

**Mohamed A. El Rafaei**

**Debtor.**

**Chapter 7**

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**Gerard R. Vetter  
Acting United States Trustee  
For Region 4**

**Plaintiff.**

**vs.**

**Adversary Proceeding Number**

**Mohamed A. El Rafaei**

**Defendant.**

**Complaint to Revoke Discharge**

Comes Now, Gerard R. Vetter, Acting United States Trustee for Region 4, and files this complaint to revoke the discharge of the Debtor, Mohamed A. El Radfaei, because the Debtor has refused to obey lawful orders of this Court.<sup>1</sup>

In support of this complaint the following representations are made.

1. This Court has authority to hear and decide this matter. 28 U.S.C. §157(a).
2. This is a core proceeding. 28 U.S.C. § 157(b)(2)(J).

<sup>1</sup> 11 U.S.C. Section 727(d)(1) states, in part, “On request of the ... United States Trustee , and after notice and hearing, the court shall revoke a discharge granted under subsection (a) of this section if – ... (3) the debtor has committed an act specified in subsection (a)(6) of this section.”

11 U.S.C. Section 727(a)(6) states “the debtor has refused, in the case – (A) to obey any lawful order of the court, other than order to respond to a material question or to testify.

**Parties**

3. Gerard R. Vetter is the Acting United States Trustee for Region 4.
4. Mohamed A. El Rafaei is the Debtor. He is an individual. His address of record is 9203 Old Courthouse Rd., Vienna, Virginia 22182.
5. H. Jason Gold is the chapter 7 trustee.

**Statement of Facts**

6. On November 23, 2020, the Debtor filed a petition for relief under chapter 11 of the Bankruptcy Code. Voluntary Petition for Individuals Filing for Bankruptcy, Docket No. 1.
7. On August 17, 2022, the case was converted to chapter 7. Order Granting Motion to Convert Case to Chapter 7, Docket No. 265.
8. On August 19, 2022, the Court entered the standard administrative chapter 7 Order to Debtor. Docket No. 270.
9. On August 19, 2022, the Order to Debtor was served on the Debtor at his address of record by first class mail by the Bankruptcy Noticing Center. Docket No. 270.
10. The Order to Debtor was not appealed. It is a final order of the Court.
11. The Order to Debtor required the Debtor to, among other things, cooperate with the chapter 7 trustee.
12. The Order to Debtor stated, “You [the Debtor] shall cooperate with the Trustee as is necessary to enable the Trustee to perform the Trustee’s duties as required by law.”
13. The Order to Debtor also required the Debtor to make available to the Trustee “books, documents, records and papers ... when requested to do so.”

14. The Order to Debtor also required the Debtor to obey all orders of the Bankruptcy Court.

15. On May 26, 2023, the Court entered an Order to Compel the Debtor to produce documents pursuant to a Bankruptcy Rule 2004 order. Docket No. 347.

16. On September 1, 2023, the Court entered an Order to Show Cause against the Debtor.

The Order to Show Cause found that the Debtor had “demonstrated a pattern of willfully disregarding, and therefore, *willfully violating this Court’s Orders.*” (emphasis added)

The Order to Show Cause found that “the Debtor is in CONTEMPT of this Court’s Order to Compel and Show Cause.” Docket No. 363.

Wherefore, the Acting United States Trustee moves the Court, pursuant to 11 U.S.C. § 727(d)(1) and § 727(a)(6), to revoke the discharge of the Debtor for failing to obey the following orders of this Court: the Order to Debtor entered August 19, 2023; the Order to Compel, entered May 26, 2023; the Order to Show Cause, entered September 1, 2023.

Gerard R. Vetter  
Acting United States Trustee  
Region 4

/s/ Jack Frankel  
Jack Frankel, Attorney  
United States Trustee Office  
1725 Duke Street, Suite 650  
Alexandria, VA 22314  
(703) 557-7229

#### **Certificate of Service**

I hereby certify that on the 5<sup>th</sup> day of October, 2023, I mailed, United States mail, first class, postage prepaid, a true copy of this Complaint to Mohamed A. El Rafaei, 9203 Old Courthouse Rd., Vienna, VA 22182, and e-mailed a true copy of this Complaint to Charles Benjamin Peoples, attorney for the chapter 7 trustee, email: [cpeople@tthlaw.com](mailto:cpeople@tthlaw.com).

/s/ Jack Frankel